

Message Text

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11
ACTION NEA-10

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JUSE-00 NSAE-00 SNM-02 TRSE-00 USIA-06 NSC-05 OES-06

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E.O. 11652 N/A
TAGS: SNAR NP
SUBJ: GOVERNMENT PROPOSES NARCOTICS
LEGISLATION --- FINALLY

1. SUMMARY: GOVERNMENT AUGUST 5 PRESENTED DRAFT OF OMNIBUS NARCOTICS BILL TO FINANCE COMMITTEE OF LOCAL LEGISLATURE. BILL WILL FOR FIRST TIME MAKE POSSESSION, PRODUCTION, SELLING AND BUYING OF DRUGS A CRIMINAL OFFENSE. PENALTIES RANGE FROM PROBATION UP TO 14 YEARS IMPRISONMENT AND WILL PROVIDE FOR FINES OF UP TO 100,000 RUPEES (\$8,000). BILL ALSO CALLS FOR CREATION OF SPECIAL OFFICE OF NARCOTICS CONTROL UNDER JURISDICTION OF HOME MINISTRY, I.E. POLICE. BILL, HOWEVER, ALL BUT LEGALIZES PROCESSING AND SALE OF WILD CANNABIS PRODUCTS GROWN IN WESTERN HILLS OF NEPAL, PROVIDED IT IS DONE UNDER GOVERNMENT LICENSE. WE EXPECT BILL TO PASS WITHOUT SUBSTANTIAL REVISION IN COMMITTEE. END SUMMARY.

2. MINISTER OF FINANCE AUGUST 5 INTRODUCED NEW VERSION OF GOVERNMENT SPONSORED NARCOTICS BILL TO PANCHYAT FINANCE COMMITTEE WHERE IT WILL BE DEBATED FOR NEXT WEEK OR SO. MAJOR PROVISIONS OF BILL ARE AS FOLLOWS:

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- A. ACT APPLIES EQUALLY TO NEPALESE CITIZENS AND FOREIGNERS.
- B. ACT CALLS FOR ESTABLISHMENT OF NARCOTICS CONTROL OFFICER UNDER HOME MINISTRY WITH POWER OF ARREST, SEARCH AND SEIZURE.
- C. ACT COVERS CANNABIS, COCA, OPIUM AND OTHER "PSYCHOTROPIC DRUGS WHETHER IN NATURAL OR ARTIFICIAL STATE."
- D. PRODUCTION AND CULTIVATION OF SUCH DRUGS LIABLE TO PRISON TERM OF FROM ONE TO THREE YEARS AND 25,000 RUPEE FINE.
- E. MANUFACTURE OF DRUGS OR DISTRIBUTION OF NARCOTICS (INCLUDING ILLEGAL EXPORT) IS LIABLE TO IMPRISONMENT OF THREE TO FOURTEEN YEARS AND FINE OF 100,00 RUPEES.
- F. PURCHASE AND POSSESSION OF SUCH DRUGS IS LIABLE TO IMPRISONMENT "UP TO ONE YEAR" AND FINE OF 10,000 RUPEES OR BOTH.
- G. PERSONS WHO KNOWINGLY PROVIDE TRANSPORT OR HOUSING FACILITIES IN WHICH NARCOTICS ARE FOUND WILL HAVE SAID PROPERTY CONFISCATED AND ARE LIABLE TO IMPRISONMENT OF NO LESS THAN SIX MONTHS AND NO MORE THAN FIVE YEARS.
- H. SECOND OFFENSES UNDER THE ACT CARRY MANDATORY PRISON SENTENCES UP TO "OVER FIVE YEARS" AND A FINE "UP TO" 100,000 RUPEES.
- I. POSSESSION OF "SMALL AMOUNTS" OF DRUGS -- NOT FURTHER DEFINED -- FOR PERSONAL USE SHALL BE PUNISHED BY PROBATIONARY SENTENCES.
- J. PERSONS PRESENTLY POSSESSING NARCOTICS SHALL SURRENDER SUCH DRUGS WITHIN A SPECIFIED PERIOD OF TIME TO THE OFFICE OF NARCOTICS CONTROL.

3. WHILE ALL THE ABOVE APPEARS IN LINE WITH THE NARCOTICS BILL DRAFTED WITH THE ASSISTANCE OF UN OFFICIALS, THE DRAFT ACT CONTAINS THE FOLLOWING PROVISION: QUOTE: THE COLLECTION, SALE AND PURCHASE OF CANNABIS GROWING WILD IN THE WESTERN PORTION OF THE KINGDOM OF NEPAL SHALL BE REGULATED FOR A PERIOD OF TIME BY HIS MAJESTY'S GOVERNMENT. PERSONS WHO COLLECT, BUY OR SELL SUCH CANNABIS UNDER RULES TO BE ESTABLISHED BY HIS MAJESTY'S GOVERNMENT SHALL NOT BE DEEMED TO HAVE COMMITTED AN OFFENSE UNDER THE TERMS OF THIS ACT. RULES TO BE ESTABLISHED BY THE GOVERNMENT SHALL INCLUDE PROVISION FOR THE ISSUANCE OF LICENSE BY A DESIGNATED OFFICIALS, AS WELL AS A SET FEE FOR SUCH LICENSES. END QUOTE.

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4. COMMENT: OBVIOUSLY THE GOVERNMENT IS NOW GOING BACK INTO THE HASH BUSINESS BY ESTABLISHING LICENSING PROCEDURES TO "CONTROL" CANNABIS IN THE WESTERN HILLS. ALTHOUGH THE EXPORT OF CANNABIS SHALL NOW BECOME FOR THE FIRST TIME A CRIMINAL OFFENSE SUBJECT TO HARSH PENALTIES, IT WILL OBVIOUSLY BE DIFFICULT, IF NOT IMPOSSIBLE, TO HALT THE TRAFFIC IN A DRUG GIVEN QUASI-LEGAL STATUS BY THE ACT.

ON THE BRIGHT SIDE, THE BILL WILL ESTABLISH PENALTIES FOR
PRODUCTION, POSSESSION AND TRAFFICKING IN HEROIN FOR
PRODUCTION, POSSESSION AND TRAFFICKING IN HEROIN AND OPIUM
DERIVATIVES. A COPY OF THE BILL IN FINAL FORM WILL BE SENT
ALL ADDRESSEES BY POUCH. WE WOULD EXPECT THAT THE DRAFT BILL
WILL REMAIN SUBSTANTIALLY UNMODIFIED AND COULD BECOME LAW AS
EARLY AS SEPTEMBER 1.
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